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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,188	03/24/2004	Takahiro Ikeda	2887.0219-01	3749

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EXAMINER

CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/807,188

Applicant(s)

IKEDA ET AL.

Examiner

Sheela C. Chawan

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,5,10,11,24,27,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) 1-3,6-9,12-23,25,26,28-32 and 35-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,10,24,27 and 33 is/are rejected.
- 7) ☒ Claim(s) 5,11 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/17/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on Jan 17, 2003, the information disclosure statement is being considered by the examiner.

Drawings

3. The Examiner has approved drawings filed on 10/9/03.

Response to Amendment

4. Applicant's amendment filed on Dec 14, 2006 has been entered and made of record.

Claims 4-5, 10-11,24,27 and 33 and 34 are pending in the application.

Response to Arguments

5. Applicant's election without traverse of Species I, filed on Dec 14, 2006 is acknowledged.

Election/Restriction

6. Claims 1-3,6,7-9,12-22,23,25,26,28,29-32,35-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking. Election was made without traverse, filed on Dec 14, 2006.

Allowable Subject Matter

7. Claims 5, 11 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 24 and 27 are rejected under 35U.S.C. 101 because the claimed invention 24 and 27 are directed to non-statutory subject matter. The terminology "A program for causing a computer to execute a graphic contour extracting method" alone has no set definition. The following claim formats are acceptable and not subject to a 101 rejection "A computer readable medium encoded with a computer program" for performing the steps of ...". See – MPEP 2106.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, 10, 24, 27 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Elfving et al., (US. 6,774,905 B2).

As to claim 4, Elfving discloses a graphic contour extracting (note graphic contour corresponds to a person, fig 6) method comprising:

acquiring an image of a graphical form to be inspected (note, acquiring an image of the person by the light- sensitive sensor 10, an image of the person corresponds to graphical form, column 8, lines 8-11);

defining a potential function V for the image of the graphical form (note, creating an outline image of the distinct region and of fitting the outline shape to the outline image. The outline image can consist of a sequence of points along the edge of the distinct region, with a search function, such as clock-hand algorithm, column 8, lines 41-56);

calculating a first group of curves which are formed by connecting equal values with respect to values expressed by said potential function V (note, a spline curve is a curve which is controlled by a number of control points. The position of the control points is adjusted so that the curve coincides as well as possible with the outline in the image, column 6, lines 37- 42, column 11, lines 15-40);

Art Unit: 2624

calculating a second group of curves which are substantially perpendicular to said first group of curves (column 4, lines 1-16, column 6, lines 37- 57); and

searching a contour of the graphical form along said second group of curves to acquire contour information of the graphical form (note, creating the outline image comprises the step of following the edge of the by means of a search function, fig 4, column 8, lines 41- 56, column 11, lines 16-40).

As to claim 10 see the rejection of claim 4 above.

As to claim 24 see the rejection of claim 4 above.

As to claim 27 see the rejection of claim 4 above.

As to claim 33 see the rejection of claim 4 above.

Other prior art cited

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chadwick et al., (US. 5,131,755) discloses automatic high speed optical inspection system.

Gu et al., (US.6,639,685 B1) discloses image processing method using phase-shifted fringe patterns and curve fitting.

Claffey et al., (US.6,850,875 B1) discloses method and apparatus for determining obscuration of sensors that are mounted on a spacecraft.


Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
Jan 2, 2007


SHEELA CHAWAN
PRIMARY EXAMINER